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The Associated Press

REPLY TO A CRITICISM



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NEW YORK, August 1, 1914.

Editor, *Atlantic Monthly*:

An article under the title "The Problem of The Associated Press" appeared in the July issue of the *Atlantic*. It was anonymous and may be without claim to regard. It is marred by several mistakes of fact. Some of them are inexcusable; the truth might so easily have been learned. Nevertheless it is desirable that everybody should know all about The Associated Press, whether it is an unlawful and dangerous monopoly, or whether it is in the business of circulating "tainted news". Its telegrams are published in full or in abbreviated form, in nearly 900 daily newspapers having an aggregate circulation of many millions of copies. Upon the accuracy of these news dispatches, one-half of the people of the United States depend for the conduct of their various enterprises, as well as for the facts upon which to base their opinions of the activities of the world. With a self-governing nation, it is all important that such an agency as The Associated Press furnish as nearly as may be the truth. To mislead is an act of treason.

The writer's history is at fault. For instance, the former Associated Press never bought a controlling share of the old-time United Press, as he alleges. Nor did the Chicago *Inter-Ocean* go to law because it was refused admission. It was a charter member; it admittedly violated a by-law, discipline was administered and against this discipline the law was invoked, and a decision adverse to the then existing Associated Press resulted. The assertion that a "franchise to a newspaper in New York or Chicago is worth from \$50,000 to \$200,000", will amuse thousands of people who know that five morning Associated Press newspapers of Chicago, the *Chronicle*, the *Record*, the *Times*, the *Freie Presse* and the *Inter-Ocean*, have ceased publication in the somewhat recent past, and their owners have not received a penny for their so-called "franchises". The *Boston Traveler* and *Evening Journal* were absorbed and their memberships thrown away. The *Christian Science Monitor* voluntarily gave up its membership and took another service which it preferred. The *Hartford Post*, *Bridgeport Post*, *New Haven Union*, and *Schenectady Union* did the same. Cases where Associated Press papers have ceased publication have not been infrequent. Witness the *Worcester Spy*, *St. Paul Globe*, *Minneapolis Times*, *Denver Republican*, *San Francisco Call*, *New Orleans Picayune*, *Indianapolis Sentinel*, and *Philadelphia Times*, as well as many others.

The statement that the Press Association of England is an unlimited co-operative organization betrays incomplete informa-

tion. Instead it is a share company with an issued capital of £49,440. Sterling. On this, in 1913, it made £3,708. 9s. 10d. or nearly 8%. And it had in its treasury at the close of that year a surplus of £23,281. 19s. 6d. or a sum nearly equal to 50% of its capitalization. It sells news to newspapers, clubs, hotels and news-rooms. It is not, as is The Associated Press, a clearinghouse for the exchange of news. It gathers all of its information by its own employes and sells it outright. Finally, it does not serve all applicants, but declines, as it always has, to furnish its news to the London papers.

But there is more important matter. It is said that the business of collecting and distributing news is essentially monopolistic. But how can this be? The field is an open one. A single reporter may enter it and so may an association of reporters. The business in any case may be confined to the news of a city or it may be extended to include a state, a nation, or the world. The material facilities for the transmission of news, so far as they are of a public or quasi-public nature, the mail or the telegraph, are open to the use of all on the same terms. The subject matter of news, events of general interest, are not property and cannot be appropriated. The element of property exists only in the story of the event which the reporter makes and the diligence which he uses to bring it to the place of publication. This element of property is simply the right of the reporter to the fruit of his own labor. The "Recessional" was a report of the Queen's Jubilee. It was made by Rudyard Kipling and was his property for that reason, to be disposed of by him as he thought proper. He might have copyrighted it and reserved to himself the exclusive right of publication during the period of the copyright. He chose rather to use his common law right of first publication and he did this by selling it to the *London Times*. He was not under obligation, moral or legal, to sell it at the same time to any other publisher. Every other reporter stands upon the same footing and as the author of his story is, by every principle of law and equity, entitled to a monopoly of his manuscript until he voluntarily assigns it or surrenders it to the public. He does not monopolize the news. He cannot do that, for real news is as woman's wit of which Rosalind said: "Make the door upon it and it will out at the casement; shut that and 'twill out at the keyhole; stop that, 'twill fly with the smoke out at the chimney." The reporter as a mere laborer, engaged in personal service, is simply free from compulsion to give or sell his labor to one seeking it. Such is the state of the law today. And the English courts go farther and uniformly hold that news telegrams may not be pirated, even after publication. In a dozen British

colonies statutory protection of such despatches is given for varying periods. In this country there have been a number of decisions looking to the same end. The output of The Associated Press is not the news; it is a story of the news written by reporters, employed to serve the membership. The organization issues no newspaper; it prints nothing. As a reporter, it brings its copy to the editor, who is free to print it, abbreviate it, or throw it away. And to this reporter's work, the reporter and the members employing him have, by law and morals, undeniably an exclusive right.

The next question involves the integrity of The Associated Press service. The instances of alleged bias he cites are unfortunate. Any claim that the doings of the Progressives in 1912 were "blanketed" by The Associated Press is certainly unwarranted. Our records show that the organization reported more than thrice the number of words concerning the activities of the Progressives than of those of all their opponents combined. There were reasons for this. It was a new party in the field, and naturally awakened unusual interest. But also, it should be said that Colonel Roosevelt has expert knowledge of newspaper methods. He understands the value of preparing his speeches in advance and furnishing them in time to enable The Associated Press to send them to its members by mail. They are put in type in the newspaper offices leisurely and the proofs are carefully read. When one of his speeches is delivered, a word or two by telegraph "releases" it, and a full and accurate publication of his views results. While he was President he often gave us his messages a month in advance; they were mailed to Europe and to the Far East and appeared in the papers abroad the morning after their delivery to Congress. Before he went to Africa, the speeches he delivered a year later at Oxford and in Paris were prepared, put in type, proof-read, and laid away for use when required. This is not an unusual nor an unwise practice. It assures a speaker wide publicity and saves him the annoyance of faulty reporting. Neither Mr. Wilson nor Mr. Taft was able to do this, although frequently urged to do so. They spoke extemporaneously, often late in the evening, and under conditions which made it physically impossible to make a satisfactory report, or to transmit it by wire broadcast over the country.

As to the West Virginia coal strike: A magazine charged that The Associated Press had suppressed the facts and that as a consequence no one knew there had been trouble. The authors were indicted for libel. One witness only has yet been heard. He was called by the defense, and in the taking of his deposition it was disclosed that at the date of the publication

over 93,000 words had been delivered by The Associated Press to the New York papers. Something like 60 columns respecting the matter had been printed.

However, "The point to be noticed," says your writer, "is that it (The Associated Press) might color news if it wanted to, and that it does exercise certain monopolistic functions. That in itself is a dangerous state of affairs; but it seems to be one that might be rectified." And, as a remedy, he proposes that "its service should be open to all customers." This is most interesting. If the news service is untrustworthy, it would naturally seem plain that the activities of the agency should be restricted, not extended. Instead of enlarging its field of operations, there should be, if possible, a law forbidding it to take in any new members, or, indeed, summarily putting it out of business. If The Associated Press is corrupt, it is too large now and no other newspaper should be subjected to its baleful influence.

Your critic adds that then "if its news were none the less unfair, some arrangement could presumably be made for government restraint." Since the battle against government control of the press was fought nearly two centuries ago, it seems scarcely worth while to waste much effort over this suggestion. Censorship by the King's agents was the finest flower of medieval tyranny. It is hard to believe that anyone, in this hour, should suggest a return to it.

Under the closely censored method of this co-operative organization, notwithstanding the wide range of its operations and although its service has included millions of words every month, it is proper to say that there has never been a trial for libel nor have the expenses in connection with libel suits exceeded a thousand dollars in the aggregate. This should be accepted as some evidence of the standard of accuracy maintained.

As to the refusal of The Associated Press to admit to membership every applicant, the suggestion is made that this puts such a limit on the number of newspapers as to "stifle trade in the selling of news." Thus, says your critic, the Association is "the mother, potential and sometimes actual, of countless small monopolies." In reply, it may be said that we are in no danger of a dearth of newspapers. There are more news journals in the United States than in all the world beside. If the whole foreign world were divided into nations of the size of this country, each nation would have but 80 daily newspapers, while we have over 2,400. And as to circulation, we issue a copy of a daily paper for every three of our citizens who can read and are over ten years of age. With our methods of rapid

transportation, hundreds of daily papers might be discontinued and still leave every citizen able to have his morning paper delivered at his breakfast table. Every morning paper between New York and Chicago might be suppressed and yet, by the fast mail trains, papers from the two terminal cities could be delivered so promptly that no one in the intervening area would be left without the current world's news. Every angle of every fad, or ism, outside the walls of Bedlam, finds an advocate with the largest freedom of expression. Our need is not for more papers, but for better papers—papers issuing truthful news and with clearer sense of perspective as to news.

Entirely independent of The Associated Press, or any influence it might have upon the situation, there has been a noticeable shrinkage in the number of important newspapers in the recent past. One reason has been the lack of demand by the public for the old-time partisan journal. Instead, the very proper requirement has been for papers furnishing the news impartially, and communities therefore no longer divide, as formerly, on political lines in their choice of newspapers. The increased cost of white paper and of labor has also had an effect.

Since there are some 500 or more daily newspapers getting on very well without the advantage of The Associated Press "franchises", it can hardly be said that we have reached a stage where this service is indispensable. This is strikingly true in the light of the fact that in a number of cities the papers making the largest profits are those that have not, nor have they ever had, membership in The Associated Press.

It will be agreed at once that private right must ever give way to public good. If it can be shown that, as contended, the national welfare requires that those who, without any advantage over their fellow editors, have built up an efficient co-operative news gathering agency, must share the accumulated value of the good-will they have achieved, with those who have been less energetic, we may have to give heed to the claim. Such a contention, so persistently urged as it has been, is certainly flattering to the membership and management of The Associated Press. But, however agreeable it always is to divide up other people's property, before settling the matter, there are some things to think of. First, it must be the public good that forces this invasion of private right; it must not be the desire of someone who, having an itch to start a newspaper, feels that he would prefer The Associated Press service. Second, the practical effect of a rule such as was laid down by the Illinois Supreme Court, requiring the organization to render service to all applicants, must be carefully considered. News is not a commodity

of the nature of coal, or wood. It is incorporeal. It does not pass from seller to buyer in the way ordinary commodities do. Although the buyer receives it, the seller does not cease to possess it. In order to make a news gathering agency possible, it has been found necessary to limit, by stringent rules, the use of the service by the member. Thus each member of The Associated Press is prohibited from making any use of the despatches furnished him, other than to publish them in his newspaper. If such a restriction were not imposed, any member, on receipt of his news service, might at once set up an agency of his own and put an end to the general organization. This rule, as well as all disciplinary measures would disappear under the plan proposed by the critic of the *Atlantic*. A buyer might be expelled, but tomorrow he could demand readmission. There would in practice no longer be members with a right of censorship over the management; instead there would be one seller and an unlimited number of buyers. Then, indeed, there would be a monopoly of the worst sort. And government censorship, with all of its attendant, and long since admitted evils, would follow. Under a Republican administration, we should have a Republican censor; under a Democratic administration, a Democratic censor. And a free press would no longer exist.

Absolute journalistic inerrancy is not possible. But we are much nearer it to-day than ever before. And it is to approximate inerrancy in its despatches that The Associated Press is striving. If in its method of organization, or in its manner of administration, it is violating any law, or is making for evil, it should be punished, or suppressed. If any better method for securing an honest, impartial news service can be devised, by all means let us have it. But that the plan proposed would better the situation is clearly open to doubt.

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